

FILED
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

08 FEB 25 PM 12:14

UNITED STATES OF AMERICA,

Plaintiff,

v.

Frederico MENDOZA-Becerril,

Defendant

Magistrate Docket No. 08 MJ 0554
 CLEAR, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA


BY COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
 Deported Alien Found in the
 United States

The undersigned complainant, being duly sworn, states:

On or about **February 23, 2008** within the Southern District of California, defendant, **Frederico MENDOZA-Becerril**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **February 2008**


 Nita L. Stormes
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Frederico MENDOZA-Becerril

PROBABLE CAUSE STATEMENT

On February 23, 2008, at approximately 4:00 p.m., Border Patrol Agent M. Thiermann was performing line watch duties near an area known as "Yogurt Canyon". This area is approximately five miles west of the San Ysidro, California, Port of Entry and approximately 150 yards north of the United States/Mexico International Boundary Fence.

While on patrol, Agent Thiermann received a report from Border Patrol dispatch center of a seismic intrusion device activation in this area. Agent Thiermann responded to the location and encountered an individual, later identified as the defendant **Frederico MENDOZA-Becerril**, trying to conceal himself in the dense brush. Agent Thiermann identified himself as a U.S. Border Patrol Agent and questioned the defendant as to his country of citizenship and nationality. The defendant freely admitted that he was a citizen and national of Mexico illegally present in the United States. At approximately 4:15 p.m., Agent Thiermann arrested the defendant and had him transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 22, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.